

1887-055 Chancery Cases: M. B. Wygal & vs. R. M. Hamblen &  
Lee Co

Ely, Bishop, Harris, Long, Sheets

CA-Estate Dispute  
T-Property



To the Honorable John A. Kelly Judge  
of the Circuit Court of Lee County Va  
Humbly complaining, your  
Orators, & oratrices, M. B. Wygal Stanton  
Wygal, Sebastian Wygal J. R. Ely and  
Sarah Ely his wife E. S. Bishop and Cyra  
Thia J. Bishop his wife Francis J. Wygal  
James B Wygal John B Wygal, and  
Wm W Wygal. would respectfully show  
your Honor, That on the day of

18 one James S. Long, a citizen  
of Lee County departed this life intestate.  
Leaving several children, to wit Harry  
Long, M. M. Long, Precious Long  
who intermarried with L. J. Shuts and  
Alice Long who intermarried with.

his heirs at law. That  
on the 19<sup>th</sup> day of March 1866, R. M. Hamblen  
and, A. M. Ely were appointed by the County  
Court of Lee County Va The Guardians of  
The said Harry, M. M., Precious, & Alice  
Long and executed bond as such, with  
Robert Henson, and Birdine Wygal as their  
sureties in said bond. All of which will fully  
appear by the records of the County Court of  
said County still remaining on file &  
which so far as necessary will be filed  
herewith if required Marked "A"



Your Orators & Co-Defendants will now show your Honor that sometime after their appointment to wit on the day of June 1873. That the said Guardians made an 4/5 parts settlement, by which they showed that they had accounted for all the sums which had come into their hands except about the sum of 15 cents. This result was brought about, by the commissioners blending the shares of all of said words together and treating the whole as one general fund, and making an allowance a charge against said General fund for the board and clothing of M. M. Long one of said words which absorbed the whole fund, all which will fully appear by reference to said 4/5 parts settlement a copy of which is heretofore filed marked "B." After the said Henry Long and Precious Long attained their majority, they instituted their suit in Chancery in your Honorable Court against, R. M. Hamblin and A. M. Ely their guardians, and to this bill they made the Administrators of Birdine Wygal and the Administrators of Robert Henson, the said Wygal and Henson, being parties in the official bond of said Guardians, the



parties defendant, upon a ~~final~~ hearing ~~in~~ This cause a decree was entered directing a settlement of said Guardians account, which upon being made resulted in finding That said Guardians owed to Henry Long on the 6<sup>th</sup> day of December 1880 the date at which he attained his majority, the sum of \$58.71 That they owed to Precious Shuts formerly Long, the sum of \$30.73, as of Jan'y 1<sup>st</sup> 1880. That they owed to Alice Long as of Feby 14<sup>th</sup> 1883, the date when she attained her majority, the sum of \$33.79, And That they had overpaid M. M. Long the sum of \$97.58 as of the 1<sup>st</sup> day of February 1870, and a decree was entered in favor of the three parties first named ~~for the~~ sums found due them, with interest from the dates named, and the questions affecting rights of the said M. M. Long were reserved. This decree was rendered against the said R. M. Hamblen and A. M. C. L. Guardians and against the Admrs. of Birdine, Mygal and the Admr. of Robert Hinson, all which will fully appear by reference to said Chancery cause still remain,



among the records of your Honorable Court  
copies will be filed herewith if necessary  
marked "C"

Upon this decree, executions issued  
and were placed in the hands of  
the Sheriff of the County for collection  
and said Sheriff finding no property  
in the hands of the said Ely, and none  
in the hands of the said Hamblen, and  
there being no estate in this State  
belonging to the said Hanson your  
orators had to pay the same. These  
payments were not made by the Admors  
of said Wygal against whom said judg-  
ments were rendered because they had  
settled their accounts, and had account-  
ed for the whole of said estate, but  
were paid by your orators as heirs of  
said Wygal. The payments thus made  
for and on account of said judgments  
amounted principal interest and costs  
to the sum of \$149.13. an account  
of which is herewith filed marked "D"  
Your orator will now show your Honor  
that the said R. M. Hamblen, has no prop-  
erty known to your orators. The said  
A. M. Ely is dead, leaving the follow-  
ing children his heirs at law to whom his  
estate descended To wit. Wm S. Ely



Alexander M. Ely Charles Ely John Ely  
Mary Harris formerly Ely who intermarried  
with Est Harris Pettie Ely Minnie Ely  
Lucy Ely, Ollie Ely Ethel Ely & Ida Ely,  
~~Letters of Administration~~ on his estate  
was granted by the County Court of Lee County  
to Alexander M. Ely his son. Said Andrew  
M. Ely as your complainants are informed  
left a very small <sup>personal</sup> estate, But they are  
informed that he is the owner of a very  
valuable tract of land containing some  
200 or 300 acres situated some 24 miles  
south west of Jousville which was con-  
veyed to him by W. W. Anderson & wife  
This tract of land he has since conveyed  
to his son W. S. Ely but this conveyance  
they are informed was without consid-  
eration and made to hinder defraud and  
delay ~~his~~ creditors in the collection of  
their debts, But if mistaken in this  
then your complainants will show  
your Honor that the consideration men-  
tioned in said deed which is \$1500 was  
never paid. The deed to said land was  
made under the following circumstances on  
the following conditions. William Ball  
who was the father of the said A. M. Ely's  
first wife and the grandfather of the



first batch of children, had given to  
said children, proposed to give and  
did to said children the very valu-  
able tract of land on which said Ely  
then resided. In this condition of things  
the said Wm S. Ely proposed to his father  
that if he the said A M Ely would ~~convey~~  
convey to him the Anderson Tract of land  
that he would have his grand father  
William Ball to convey to him the said  
A M Ely one sixth of the farm which  
proposed to give and did afterwards  
give to said children, Upon these  
terms said conveyance was made  
by said A M Ely, and after it was made  
the said Ball refused to convey to the  
said A M Ely the one sixth of said  
tract of land or any other part, so  
your complainants aver that said  
conveyance was without consideration  
and the said Wm S. Ely is only a trust-  
ee holding for the said A M Ely's ben-  
efit or if not that then that he owes  
the value of said land to the said  
A M Ely and in either view the  
land or the price of the land belongs  
to the estate of A M Ely deceased  
and is liable for his debts. The said  
Ely owned at the time of his death other  
lands but they are not well enough  
known to your complainants to describe them



Your orator & oratrices will further  
show your Honor That, The Settlement  
made by said Guardians show That they  
overpaid M. M. Long \$97.58 as of Aug  
1st 1870 if this is true he ought to pay  
back that sum with its interest and  
if that sum was paid it would satis-  
fy or about satisfy the sum paid by  
your complainants for said Guardians  
They are advised he has estate in the  
hands of Thomas S Ely his late guardian  
which ought to be applied to the settle-  
ment of this indebtedness

Now the object of this bill is to recover  
back from said guardians the sum which  
your complainants have had to pay for  
them, and to this end they name  
B M Hamblen late Guardian of James S  
Longo heirs Alexander M Ely Admr of  
A M Ely decd who was also one of the guar-  
dians of said heirs and the said Alexander  
M Ely, W. S. Ely Lehorus Ely John Ely Mary  
Harrie formerly Ely, & E W Harrie her  
husband Rittie Ely Minnie Ely Lucy  
Ely Ollie Ely Ethel Ely & Ida Ely children  
hers at law of A M Ely decd M  
M Long & Thomas S Ely ~~Guardian~~ <sup>Ely</sup> late  
guardian of the said M M Long  
the parties defendant to this bill



and They pray That They each be required  
to answer its several allegations on oath  
That upon a final hearing That The money  
paid out by them for and on account of  
said guardians failures and defaults  
be paid back to them, That if found ne-  
cessary the deed from A M Ely to W. S. Ely  
be set aside and held for naught or  
if this cannot be done That then the  
said W S Ely be held and treated as  
a Trustee holding the legal title of  
said land for the said A M Ely and  
That the said Tract of land in the hands  
of said Trustee be held subject to the  
payment of said debt or if this can-  
not be done then That a personal decree  
be rendered against the said W. S. Ely for  
said sum on account of his indebtedness  
to his father for said land or if thought  
more just and proper then That said  
M M Long be required to pay to them the  
sum which he owes his said guardians  
and That any sum which his guardian  
Thomas S Ely owes him be held for  
that purpose, And for General  
Relief May Spa issue &c.

C. J. Sumner, for  
Complainants.



Deft Long Recours  
at Mr. Term 1886.

to 2.52

at 15.00

\$17.52

to 8.37

at 5.00

to 3.00

at 15.00

31.37

at 5.00

36.37

C. B. Wynn

vs. Billinchan

C. M. Hamblin

1885 Bill Filed

July Spd Expd + Debit

File Expd + Debit

Aug. D. C. Confirmed

+ cause set for hearing

Nov. C. continued

1886 Mr. D. C. for cost to

Deft. M. M. Long + Contd.

Aug. Contd. Nov. Contd.

1887 Mr.



To the Hon. John A. Kelly  
Judge of the Circuit Court for  
Lee County:-

The Separate answer of the  
infant defendants, John Ely, Retha  
Ely, Minnie Ely, Lucy Ely, Ollie  
Ely, Ethel Ely & Ida Ely by J. A.  
H. Syatt their Guardian ad.  
litem, to a bill in Chancery  
filed in this Hon. Court against  
these defendants and others  
by W. B. Mygal et al

For answer this respondent  
cannot say as to the truth or  
falsity of the allegations in said  
Bill, this said wards are of  
tender years and incapable of  
advising as to their interest, hence  
their rights and interest are placed  
in the hands of Your Honor, whose  
special care is the guarding of such  
rights & interests. And now  
having answered as fully  
as he is advised it is proper  
for him to do, prays hence to be  
dismissed with his reasonable  
Costs.

J. A. H. Syatt K. A. L.



Mr. B. Mygastres  
4 Arch. A. L.  
or 3 for + c  
R. M. Fumblers etas

Filed July Rules 1885  
J. A. Hyatt ce

Lu 5f



To the Hon. John A. Kelly, Judge  
of the Circuit Court of Lee County, Va.

The demurrer and answer of M. M.  
Long to a bill filed in this Hon Court  
against him and others by ~~Andrew~~ M.  
B. Hygdon et al.

Respondent states that  
the p[er]ffs bill is not good and suffi-  
cient in law, and of this he prays  
Judgment of the Court &c

But if  
any other or further answer be  
deemed necessary answering he says  
there is no decree that binds him  
for the sum of \$97.58 or any other  
amount, but upon the contrary did  
he deem it advisable could show  
that there is much due him from  
his former guardian. He knows nothing  
of the payments made, by the p[er]ffs  
but whatever they are he denies his  
liability to pay them. He is ad-  
vised such payment by them is  
voluntary and that he can not be  
held responsible therefor - He  
denies he owes anything to the p[er]ff  
which they have right to proceed against  
him for. And having now fully answered he  
prays to be dismissed with his costs.

J. A. Kelly



Virginia:--

Lee County to wit, this day  
M. M. Long, personally appeared)  
before me and made oath in  
due form that the facts as stated  
in the foregoing answer are true  
so far as made on his own knowledge  
and that so far as they depend on  
information derived from others  
he believes them to be true.

Given under my hand this 29  
March 1886 J. A. Hyatt C. C.

M. M. Long

Adol. Answer.

M. B. Hyatt et al



M. B. Hygal et al... Plffs  
against  
R. M. Hamblin & Co. depts } <sup>in ch</sup>  
This

Cause came on this day to be  
heard upon, the bill of the  
plffs an demurrer of M. M.  
Long thereto and was argued by  
Counsel, an consideration of which  
& for reasons appearing to the Court  
said demurrer is sustained, and the  
plffs bill dismissed as to said  
M. M. Long, and it is adjudged  
that that said defendant M.  
M. Long recover from the plffs  
his costs, to be taxed by the  
Clerk & execution may issue  
for the same.



M. B. Hygal et al

v<sup>3</sup> decree -

R. M. Hamblin

March 7/86

Entered page

524 + 25 -

J. A. Hyatt et al

Enter this

March 31/86

J. A. K.



# The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon

*R. M.<sup>13</sup> Hambley & Alex. M.<sup>1</sup> Ely  
Admr. A. M. Ely decd, and the said Alex. M. Ely, Wm. S. Ely,  
Charles Ely, John Ely, Mary<sup>5</sup> Harris wife of E. W. Harris  
Rettie Ely, Minnie Ely, Lucy Ely, Ollie Ely, Ethel Ely,  
& Ida Ely, M. M.<sup>5</sup> Long and Thos. S. Ely late Guar. of the  
said M. M. Long,*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in

*July* next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against  
*them*, by *M. B. Mygal, Newton Mygal, Sebastian  
Mygal, J. R. Ely & Sarah Ely his wife, E. S. Bishop and  
Cynthia J. Bishop his wife, Frank J. Mygal, James  
B. Mygal, John B. Mygal and Wm. M. Mygal.*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,

this *29<sup>th</sup>* day of *May*, 188*5*, in the 10*4* year of the Commonwealth.

*J. A. G. Hyatt*, Clerk.

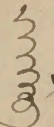
A Copy---Teste:

*MB*



(29.)

M. B. Mygal et al

vs  Spa in Choy

R. M. Hamblet et al

To July Rules 1885

Executed by handing  
the within parties  
a true office copy  
of the within

I St Grung & S  
for R D Stanley, SGC  
June 16 1885